

MINUTES
TOWN OF FREDERICK
PLANNING COMMISSION
Frederick Police Department/Court Room
October 6, 2009
7:30 p.m.

Attendance: Chairman Jeff Roehrig, Commissioners Donna Hudziak, Donald Hard and Alan Blair were present. Also present were Planning Director Jennifer Simmons and Assistant Town Attorney, Cyril Vidergar.

ROLL CALL: Chairman Roehrig called the regular meeting to order at 7:30p.m. Roll call was taken; Commissioner John Loveless was absent.

ADDITIONS TO THE AGENDA: There were no additions to the agenda.

APPROVAL OF MINUTES FROM THE SEPTEMBER 15, 2009 MEETING:

Commissioner Blair made a motion to approve the minutes from the September 15, 2009 meeting. Commissioner Hard seconded the motion. All in favor, motion carried.

CONSIDERATION OF THE 2009 LAND USE AMENDMENTS INCLUDING AMENDMENTS TO ARTICLES 1, 2, 3, 4, 6 AND 7:

Planner Jennifer Simmons presented the staff report by stating that amendments to the Land Use Code began in December 2006 with Article 7, Sign Regulations. Immediately following, revisions to Article 3, Zoning, were drafted. These amendments affected both Articles 3 and 4, Subdivision Regulations. Following adoption of amendments to Article 3, revisions to Article 4 were processed and adopted. Amendments to Article 5, Vesting, and Article 8, Floodplain Areas, have also been completed. Finally, Article 2, Community Design Principles and Development Standards had amendments processed and adopted this year. The following is a general discussion of updates that have been completed to each of the affected articles.

Article 1, General Provisions: This article has been upgraded in its entirety to reflect changes made throughout the Code including cross-referencing definitions of terms found throughout the code and removing any terms that are no longer used. Additionally, the article was revised to recognize that the process for amending the Comprehensive Plan is now addressed in Article 4. References to other sections of the Code have been cross checked and updated as necessary.

There was some discussion regarding Article 1. Planner Simmons explained that there were a few definitions that were changed in name only i.e. Family child care home has been relocated to Child Care in-home and Frederick Comprehensive Plan has been changed to Town of Frederick Comprehensive Plan.

Article 2, Community Design Principles and Development Standards: Although this Article was recently adopted, a few provisions needed improvement. In Section 2.7, the former version addressing streets included a provision requiring specific setbacks for homes from an arterial roadway. While this was inadvertently removed in the initial amendments, the standard has been included in the updates to Section 3.5 regarding density and dimensional standards. Section 2.8 had information pertaining to drive aisles in parking lots updated to bring the Land Use Code into compliance with the adopted Fire Code. Finally, provisions of Section 2.11, Parks and Open Space have been updated to clarify a few items.

Updates to Article 3, Zoning: Both Sections 3.4, Matrix of Permitted, Conditional, and Special Uses by Zoning District and Section 3.5 have been updated. The uses found in the use matrix were cross referenced with the definitions found in Article 1 requiring some uses to be added, deleted, or amended to use consistent terminology. Additional clarification was added to the Specific Use Standards. Updates to the Density and Dimension Standards include adding a minimum lot size for Agricultural lots, updating references to figures, and adding the setback from arterial roadways to residences.

The biggest change to this Article is the Section regarding Medical Marijuana Dispensaries and growth.

Commissioner Hudziak pointed out the Senior Housing should be a permitted use in all residential applications. Planner Simmons will make this correction.

After some discussion, there are a couple of changes that Planner Simmons will make prior to presenting this to the Board of Trustees.

Article 4, Subdivision Regulations: General updates were made so Section 4.5 regarding General Procedures. Clarification was added to Sections 4.6, 4.8 and 4.10 (review procedures for major, minor and administrative applications) regarding the review period. Section 4.7 includes general clarifications on notification and review bodies. Section 4.9 had been amended to update information related to the Memorandum of Agreement for Public Improvements (MOAPI) and the related improvements guarantee and warranty. These updates were initiated by the Engineering staff.

Commissioner Hudziak asked if the color scheme of the Public Hearing signs could be changed. She feels that the signs are too hard to read using the current colors.

Planner Simmons said that the Public Hearing sign requirements have been changed to Black signs with white lettering, but she will look into it for Commissioner Hudziak.

Commissioner Hudziak also pointed out that the Board of Trustees and Board of Adjustments are one and the same. She feels that this is a bit odd that if the Board of Trustees denies something and the applicant appeals to the Board of Adjustments, the applicant is before the same body.

Commissioner Hudziak made a motion to set up a separate body for the Board of Adjustments. Commissioner Blair seconded the motion. Commissioners Hudziak and Blair voted yes. Chairman Roehrig and Commissioner Hard voted no. The motion died due to lack of a majority vote.

Article 6, Enforcement: This Article has been updated in its entirety to recognize the correct title for Community Service Officers and to remove references to the Town Clerk. Further clarification was also provided in Section 6.1.3.b. to better reference the Municipal Code.

Article 7, Sign Regulations: Minor changes have been made to the sign code including adding sandwich boards as an allowed sign type. Additional information has also been added regarding the size of banners.

Review Criteria: Section 4.7.9.b. For the purpose of establishing and maintaining sound, stable and desirable development within the Town, the text of this Code shall not be amended except:

- 1) To correct a manifest error in the text of this Code;
- 2) To provide for changes in administrative practices as may be necessary to accommodate changing needs of the community and Town staff;

- 3) To accommodate innovations in land use and development practices that were not contemplated at the adoption of this Code; or
- 4) To further the implementation of the goals and objectives of the Comprehensive Plan.

The proposed amendments correct manifest errors in the text of this Code, provide for changes in administrative practices and furthers the implementation of the goals and objectives of the Comprehensive Plan relating to quality growth.

This project was properly noticed according to the requirements of Section 4.5 of the Frederick Land Use Code.

All revisions have been reviewed by the Town Attorney.

Planning Commission may recommend approval, denial or approval with conditions. Staff requests that the Commission consider recommending approval of PCR-2009-25A.

Commissioner Blair made a motion to recommend approval of PCR-200925C "A Resolution of the Planning Commission Recommending Conditional Approval of the 2009 Updates to the Town of Frederick Land Use Code". Commissioner Hudziak seconded the motion. All in favor, motion carried.

DISCUSSION OF THE COLORADO MUNICIPAL LEAGUE TRAINING FOR BOARDS AND COMMISSIONS:

Planner Simmons presented the staff report by stating that she and Commissioner Hudziak attended a training session for members of Boards and Commissions which was held Thursday, September 10th, sponsored by the Colorado Municipal League.

Planner Simmons reviewed "How to Avoid Chaos at Meetings" by pointing out a few items that can help the meeting move more smoothly. These items are time control of Public Hearing participants, agenda discussion time limits and the Chairperson's control should be firm but polite and consistent. Another helpful tool is for the Commission to thoroughly review their Planning Commission packets prior to the meeting.

The six steps to every motion were reviewed. They are 1) A member stands up, is recognized and makes a motion (the commission will not stand, but they should be recognized by the Chair); 2) Another member seconds the motion; 3) The presiding officer restates the motion to the assembly; 4) The member debate the motion; 5) Presiding officer asks for the affirmative votes and then the negative votes (the Commission will continue to do this with the secretary calling for each member's vote); and 6) The presiding officer announces the result of the voting and instructs the corresponding officer to take action, then introduces the next item of business. These steps are according to "Robert's Rules of Order".

Planner Simmons touched on the rule regarding "Accepting Gifts or Economic Benefits as Rewards or Inducements". Commissioners are not to accept any gifts that may influence their decision on any matter brought before the Commission.

There was much discussion regarding "Disclosure and Abstention". Commissioner Blair is concerned that if a project comes before the Commission regarding Prairie Greens, there are three members that would need to excuse themselves and therefore there would not be a quorum.

Planner Simmons explained that this is where the Alternate Planning Commission members fit in. As there are not currently any alternates, we will cross that bridge when we come to it.

Planner Simmons asked the Commission to come up with some ground rules that they would like to see put in place for the Planning Commission. Some of these ideas are: 1) wait for recognition by the Chair before speaking; 2) Dress appropriately when the public will be present; 3) Do not talk amongst themselves when the meeting is in progress; and 4) when making a motion, read the definition of the PCR so that the public understands (Planner Simmons will also place the PCR on the overhead for the audience viewing).

OTHER BUSINESS:

Planner Simmons pointed out that the 'Unbuilt Dwelling Report' has been handed out for the Commission's information and review.

The next Planning Commission meeting will be in November, staff will notify the Commission of the exact date.

Commissioner Hard made a motion that the meeting be adjourned.

With no further business to discuss, the meeting was adjourned at 9:45PM.

Jeff Roehrig, Planning Commission Chairman

Kathy Larson, Secretary